**HIGH COURT OF UTTARANCHAL AT NAINITAL**

Writ Petition No. 655 of 2004

Almas Iftikhar Khan ...Petitioner.

Versus

State of Uttaranchal & others ... Respondents.

Sri Gurdayal Singh, Advocate for the petitioner
Standing counsel for the respondents.

Dated: 2nd August 2004

**Hon'ble Rajesh Tandon J.**

Heard the learned counsel for the parties.

By the present writ petition the petitioner has challenged the order dated 12.7.2004, by which the case has been remanded back to the competent authority for deciding the matter after making inspection on the spot.

The petitioner has submitted that in pursuance of the notice issued by the respondent no.3 under section 25 (1)/26(1) of the U.P. Special Area Development Authority Act, 1986 in case NO. 13 of 1999. The petitioner has made a representation on 7.4.1999. The competent authority vide order dated 22.3.2001 directed the petitioner to demolish the illegal constructions raised by him. Against the said order petitioner has preferred an appeal before the Commissioner, Kumaun

Division, Nainital who remanded the same to the Competent Authority vide order dted 12.7.2004. Since the matter has already been remanded to the competent authority, I find no infirmity in the order of remand. The authority concerned shall adjudicate the case on merits and shall pass suitable order after hearing the parties. Till the matter is finally decided parties are directed to maintain status quo.

Subject to the aforesaid observations, he wit petition is dismissed. No order as to costs.

**(Rajesh Tandon J.)**

2.8.2004
*Dhyani